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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Huston et al.
Serial No. : 08/014,096
Filed : February 4, 1993
Title : PRODUCT AND PROCESS FOR THE PRODUCTION, ISOLATION AND
PURIFICATION OF RECOMBINANT POLYPEPTIDES

Art Unit : 1646
Examiner : Ulm, John D.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECH CENTER 1600/2900

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181, applicant hereby petitions to withdraw the Notice of Abandonment mailed July 8, 2003 (copy enclosed). The application was abandoned under 37 CFR §1.135 for failure to respond to the Office Action mailed November 25, 2002.

The undersigned, applicant's attorney of record, first became aware of the abandonment on July 11, 2003, upon receipt of the Notice of Abandonment and submits that this petition to withdraw the Notice is being promptly submitted as required by 37 CFR §1.8(b)(1).

The undersigned also notes that the Office Action dated November 25, 2002, was never received by this office. The following documents are submitted under 37 CFR §1.8(b)(2) as proof that the Office Action was not received:

1. A Declaration of Janine M. Goodwin dated August 5, 2003, noting patent docketing procedures;
2. A copy of the Patent Services U.S. Mail Log containing log dates from November 22, 2002 through December 31, 2002.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

9/18/2003

Signature

NERISSA M. PARISI

Typed or Printed Name of Person Signing Certificate

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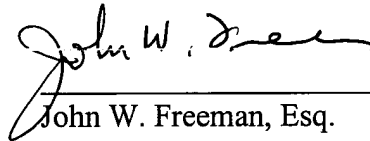
Attorney's Docket No.: 13235-004002 / 00960-
562DIVFWC

3. A copy of the docket for the dates of February 25, 2003 and May 25, 2003, deadlines which would have been noted in this system had the Office Action of November 25, 2002 been received.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 9/8/04


John W. Freeman, Esq.
Reg. No. 29,066

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906



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DECLARATION OF JANINE M. GOODWIN

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I, Janine M. Goodwin, declare as follows:

1. I have been employed by Fish & Richardson P.C. since September 4, 2000, as a Sr. Docketing Specialist in the Patent Services Department.
2. When mail is received by Fish & Richardson P.C. from the U.S. Patent and Trademark Office ("PTO"), the mail is entered and docketed into the Fish & Richardson P.C. computerized docketing system and entered into a manual log of all PTO mail received to date. It is then sent to the attorney in charge of the case for entry into the file.
3. According to our docket system the case identified as U.S.S.N. 08/014,096 filed February 4, 1993 corresponds to client/matter number 13235/004002.
4. I have checked our computerized docketing system and found that the November 25, 2002 correspondence concerning the above-captioned case was not entered or docketed.
5. I have checked our manual mail log (Exhibit A) for the period of time from November 22, 2002 through December 31, 2002. If we had received a PTO action for application number 08/014,096, I would expect to see an entry in the mail log which would include the date received; the Fish & Richardson reference number; and the base date of November 25, 2002. There is no record of ever receiving the action mailed November 25, 2002.
6. I also checked copies of our docket printouts (Exhibit B) showing docketing deadlines occurring on February 25, 2003 and May 25, 2003. Each entry in Exhibit B identifies the docketed date; the Fish & Richardson reference number; the U.S. Serial Number; a description of the action; and a description of the type of deadline. For application U.S.S.N. 08/014,096, if we had received an action dated November 25, 2002, I would have expected to find the docketed due date of February 25, 2003 and final deadline of May 25, 2003 for response to the action. I did not find such docket entries in the docket

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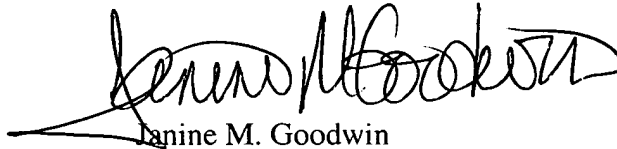
printouts for February 25, 2003 or May 25, 2003. Copies of the docket printouts for February 25, 2003 and May 25, 2003 are attached as Exhibit B.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date:

8/5/03



Janine M. Goodwin

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906